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09/892,680	06/27/2001	Anil K. Kumar	INTL-0598-US (P11739)	3966

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EXAMINER

BARNIE, REXFORD N

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/892,680

Applicant(s)

KUMAR, ANIL K.

Examiner

REXFORD N. BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Rexford N. Barrie*  
REXFORD BARNIE  
PRIMARY EXAMINER

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-9, 11, 13-15, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Korpela (US pat# 6,311,054).

Regarding claim 1, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24 and col. 5).

Regarding claim 2, Korpela teaches calculating charges for a plurality of call including a voice call and data call.

Regarding claim 3 and 5, Korpela teaches possibility of real-time charges which could factor in a quality of service (see disclosure).

Regarding claim 7, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24 and col. 5).

Regarding claim 8, Korpela teaches calculating charges for a plurality of call including a voice call and data call.

Regarding claims 9 and 11, Korpela teaches possibility of real-time charges which could factor in a quality of service (see disclosure).

Regarding claim 13, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24, col. 5 and fig. 3).

Regarding claim 14, Korpela teaches calculating charges for a plurality of call including a voice call and data call.

Regarding claim 15 and 17, Korpela teaches possibility of real-time charges which could factor in a quality of service (see disclosure).

Regarding claims 19 and 20, Korpela teaches these limitations in (see cols. 4-5).

Claims 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Shobatake et al. (US Pat# 6,654,607).

Regarding claims 21-26, Shobatake et al. teaches a method of assessing charges for a call in part by using mobility management information and also, whether a call is a roaming or non-roaming call (location information) in (see col. 6 line 53, col. 7 line 57-67, col. 8 lines 46-53, figs. 11, 12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 10, 12, 16, 18 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela (US pat# 6,311,054) in view of Keller et al. (US Pat# 6,496,689).

Regarding claims 4, 6, 10, 12, 16 and 18; Korpela teaches monitoring charges associated with usage in a telephone terminal but fails to teach the claimed limitations.

Keller et al. teaches an indication of charge information (advice of charge) information in (see col.4) in addition to location information/mobility management information, all to be used in assessing charges in (see col.5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller into that of Korpela thus making it possible to determine charges accurately based on factors including roaming and to inform a user accordingly.

Regarding claims 21 and 24, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24 and col. 5).

Korpela teaches monitoring charges associated with usage in a telephone terminal but fails to teach the claimed limitations including mobility management information.

Keller et al. teaches an indication of charge information (advice of charge) information in (see col.4) in addition to location information/mobility management information, all to be used in assessing charges in (see col.5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller into that of Korpela thus making it possible to determine charges accurately based on factors including roaming and to inform a user accordingly.

Regarding claims 22, 23, 25, 26 and 28-30, the combination teaches taken into location information which could include roaming and so forth in (see col.5 of Keller). Furthermore, billing based on roaming is well known in the art.

Regarding claim 27, Korpela teaches a method to determine charging information in a mobile unit wherein one can establish a plurality of communication sessions simultaneously and then billed according in (see col. 5 lines 22-24, col. 5 and fig.3).

Korpela teaches monitoring charges associated with usage in a telephone terminal but fails to teach the claimed limitations including mobility management information.

Keller et al. teaches an indication of charge information (advice of charge) information in (see col.4) in addition to location information/mobility management information, all to be used in assessing charges in (see col.5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller into that of Korpela thus making it possible to determine charges accurately based on factors including roaming and to inform a user accordingly.

***Response to Arguments***

Applicant's arguments filed on 01/31/05 have been fully considered but they are not persuasive.

The applicant argued that the prior art of record (Korpela) teaches simultaneously using time and data counters for tracking telephony usage.

The examiner agrees with the applicant. Furthermore, according to (see col. 5), specifically (see col. 5 lines 59-61 and col. 5 lines 22-24), charge data can be gathered for simultaneously communications or calls as Korpela puts, wherein the call can be selected from the group comprising of voice, data call and/or video call.

The applicant argued that the prior art of record (Shobatake et al.) fails to teach a mobility management system wherein according to the applicant's disclosure, mobility management is a relation between the mobile station and the Universal terrestrial Radio Access Network that is used to set up, maintain and release the various physical channels.

The claims calls for mobility management and Shobatake teaches this and his disclosure is replete with numerous reference to mobility management system for instance in (see col. 7 lines 57-66). Furthermore, according to applicant's disclosure, for instance mobility management information in (see page 5 lines 22-24) could be information such as roaming and non-roaming status, something which Shobatake teaches. The fact that the mobility management information is specifically a relation between a mobile station and a universal terrestrial Radio access network that is used

to set up, maintain and to release the various physical channels is not directed to the claim.

Even for the sake of argument, Shobatake teaches that a list of operations including tearing down of a communication channel, setting up, handoff, call accounting location registration and location resolution can be performed by Shobatake in (see col. 7 lines 7-13, figs. 11-12)

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
06/15/05

  
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